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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,128	12/09/2005	Takeshi Oka	450100-05109	2855
7590 William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151				
04/27/2009				
EXAMINER				
RAHMAN, MOHAMMAD N				
ART UNIT		PAPER NUMBER		
2161				
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04/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,128

Applicant(s)

OKA ET AL.

Examiner

MOHAMMAD N. RAHMAN

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date 03/30/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Amendment

1. The amendment filed on 01/21/2009 has been entered. **Claims 1-10** are pending in this office action.
2. Regarding 35 USC § 101, Applicant's response has overcome the rejections (Applicant canceled **claims 5-6**).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-9 are rejected under 35 USC 103 as obvious over Sako et al. (U.S. Application Patent No. 6,118,754) further in view of Hyodo et al. (U.S. Pub. No. 2005/0025460).**

As to claim 1, Sako teaches, a file generation apparatus for generating a file of first data to be recorded on a recording medium (see abstract), the file generation apparatus comprising:

- "first generation means for generating second data to be arranged at the beginning of the file", at Sako, col.2 and lines 65-67 and col.3 and lines 1-14;

(Sako teaches, "a sector size of first data is set to A and a sector size of second data is set to B", thus in a specific

arrangements of the data blocks, a file is generated which includes the second data.)

- “second generation means for generating third data to be arranged at the end of the file” at Sako, col.3 and lines 15-30; and

(Sako teaches, “means for reproducing the digital data; reproduction processing means for performing a digital demodulation and an error correction to the data of the block structure; means for dividing the data of the block structure from the reproduction processing means into sectors and for outputting the data of a sector structure”, since in a specific arrangements of the data blocks, a file is generated which includes the selected data.)

- “third generation means for generating fourth data as stuffing data which allows the data amount of each of the first, second, and third data to be an integral multiple of a unit of reading or writing to the recording medium by adding the fourth data to the first data, the second data, and the third data” at Sako, col. 3 and lines 31-42.

(Sako teaches, “two formats in which sector sizes are different and a ratio of the sector sizes is not an integer ratio can be united to a block structure having the same size”, clearly interprets that in a process for reading or writing different

blocks of data to the recording medium, the data is arranged in an integral manner.)

Sako does not appear to explicitly disclose, "wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and wherein the stuffing data has a KLV structure".

However, Hyodo discloses, "wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and wherein the stuffing data has a KLV structure" at paragraphs [0136] and [0137]..

(Hyodo teaches, "in the AV multiplex format, sound-item groups are multiplex with picture items with each sound-item group and a picture item following the group forming a pair with a size equal to the length of an annual ring. Each of the sound-item group contains audio data laid out to form a KLV structure..." at Hyodo, [0136].)

Sako and Hyodo are analogous art because they are from the same field of endeavor of data processing / recording system.

The suggestion/motivation for doing so would have been to provide the system enables to "the file having an AV multiplex format is configured so that it can be

reproduced and edited in an apparatus not conforming to the MXF specifications provided that the apparatus has the QT software" at Hyodo , paragraph [0045].

Therefore, it would have been obvious to combine Sako with Hyodo to obtain the invention as specified in the instant claim 1.

Note that claims 8 and 9 recite the same corresponding limitations as set forth in claim 1 above, thus the claims, are rejected accordingly.

With respect to claim 2, Sako / Hyodo discloses, "the file generation apparatus according to claim 1, wherein the first generation means generates the second data" at Sako, col.10 and lines 14-17.

With respect to claim 3, Sako / Hyodo discloses, "the file generation apparatus according to claim 1, wherein the first generation means further comprises format conversion means for converting the first data into a KLV (Key, Length, Value) structure" at Sako col.7 and lines 5-16; and

- wherein the first generation means generates the second data composed of the file's header, and a key and a length arranged between the header and the first data" at Sako, col.7, lines 5-16 and at col.7, lines 5-16.

With respect to claim 4, Sako / Hyodo discloses, "the file generation apparatus according to claim 1, wherein the third generation means generates the fourth data by making an addition to each of N-1 portions of the first data toward the beginning out of the first data divided into N portions, where N is an integer, so that the data amount of each of the first data divided into N-1 portions becomes an integral multiple of a physical

unit area of the recording medium and the overall data amount of the first data becomes an integral multiple of the unit of reading and writing on the recording medium" at Sako, col.7, lines 55-67.

With respect to claim 5, Sako / Hyodo discloses, "the file generation apparatus according to claim 1, wherein the third generation means generates the fourth data for the first data divided into units corresponding to specified reproduction times with video data and audio data for a plurality of channels multiplexed in accordance with the divided units so that the data amount for each of divided units of the first data corresponds to an integral multiple of the unit of reading and writing on the recording medium" at Sako col.14, lines 22-33.

With respect to claim 6, Sako / Hyodo discloses, "the file generation apparatus according to claim 5, wherein the third generation means generates the fourth data so that the data amount totaling partition data for separating divided portions of the first data from each other, metadata contained in each of divided portions of the first data, and the video data corresponds to an integral multiple of the unit of reading and writing on the recording medium" at Sako, col.14, lines 22-33 and at col.14, lines 34-45.

With respect to claim 7, Sako / Hyodo discloses, "the file generation apparatus according to claim 5, wherein the third generation means generates the fourth data so that the data amount of each of divided portions of the audio data contained in each of divided portions of the first data corresponds to an integral fraction of the unit of reading and writing on the recording medium and the overall data amount of the audio data

corresponds to an integral multiple of the unit of reading and writing on the recording medium" at Sako col.14, lines 22-33 and col.14, lines 34-45.

5. Claim 10 is rejected under 35 USC 103 as obvious over Sako et al. (U.S. Application Patent No. 6,118,754) further in view of Hyodo et al. (U.S. Pub. No. 2005/0025460).

As to claim 10, Sako teaches, "a recording medium to record a file of first data, wherein first additional data as stuffing data is added to record the first data whose data amount corresponds to an integral multiple of a unit of reading or writing to the recording medium so that a boundary of the first data matches a boundary of the unit" at col. 6, lines 1-5 and col.14, lines 34-45;

(Sako teaches, "The additional sync S1 of 32 channel bits is added to the latter half modulated data symbols", thus additional stuffing data is added to whose data amount corresponds to an integral multiple of a unit of reading or writing to the recording medium.)

- "wherein second data is arranged at the beginning of the file and is attached with second additional data as stuffing data to have the data amount corresponding to an integral multiple of the unit so that a boundary of the second data matches a boundary of the unit" at col.2, lines 65-67 and col.3, lines 1-14 and col.14, lines 34-45; and

(Sako teaches, "a sector size of first data is set to A and a sector size of second data is set to B", thus in a specific arrangements of the data blocks, a file is generated which includes the second data. Furthermore, the additional data is added to whose data amount corresponds to an integral multiple of a unit of reading or writing to the recording medium.)

- "wherein third data is arranged at the end of the file and is attached with third additional data as stuffing data to have the data amount corresponding to an integral multiple of the unit so that a boundary of the third data matches a boundary of the unit" at col.2, lines 65-67 and col.3, lines 1-14 and col.14, lines 34-45.

(Sako teaches, "a sector size of first data is set to A and a sector size of second data is set to B", thus in a specific arrangements of the data blocks, a file is generated which includes the third data. Furthermore, the additional data as the stuffing data is added to whose data amount corresponds to an integral multiple of the matching units.)

Sako does not appear to explicitly disclose, "wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and wherein the stuffing data has a KLV structure".

However, Hyodo discloses, "wherein the first data is converted from a standard AV multiplexing file that has frame-based video and audio data, the first data being either video data or audio data organized according to an edit unit, and wherein the stuffing data has a KLV structure" at paragraphs [0136] and [0137]..

(Hyodo teaches, "in the AV multiplex format, sound-item groups are multiplex with picture items with each sound-item group and a picture item following the group forming a pair with a size equal to the length of an annual ring. Each of the sound-item group contains audio data laid out to form a KLV structure..." at Hyodo, [0136].)

Sako and Hyodo are analogous art because they are from the same field of endeavor of data processing / recording system.

The suggestion/motivation for doing so would have been to provide the system enables to "the file having an AV multiplex format is configured so that it can be reproduced and edited in an apparatus not conforming to the MXF specifications provided that the apparatus has the QT software" at Hyodo , paragraph [0045].

Therefore, it would have been obvious to combine Sako with Hyodo to obtain the invention as specified in the instant claim 10.

Response to Arguments

6. Applicant's argument filed on 01/21/2009 has been fully considered but they are not persuasive. The examiner respectfully traverses applicant's argument.

The application is a 371 of PCT/JP04/08402 filed on June 9, 2004 and it is non publishing in English. Therefore, this PCT application is not entitled to the priority date. Also, the Japanese Patent Application 2003-165859 filed on June 11, 2003 does not have English translation.

For the above reasons, the prior art of Hydro et al. (US Publication No. 2005/0025460 A1) is considered as a prior art for the US Application No. 10/560,128.

In light of the foregoing arguments the 35 U.S.C. § 103 (a) rejections are hereby sustained

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Rahman
AU 2161
04/23/2009

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. /Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161